

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

-----X
JOSEPH CUNNINGHAM,

Plaintiff,

- against -

METRO-NORTH COMMUTER RAILROAD,

Defendant.
-----X

RULE 7.1 STATEMENT

08-CIV-4307 (KEM)

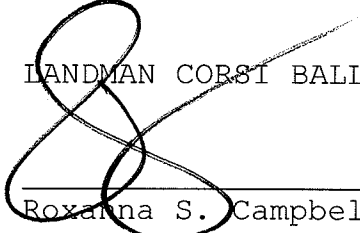
Pursuant to Rule 7.1 of the Federal Rules of Civil Procedure and to enable Judges and Magistrate Judges of the court to evaluate possible disqualification or recusal, the undersigned counsel for defendant Metro-North Commuter Railroad Company ("Metro-North") certifies that Metro-North is a Public Benefit Corporation organized and existed under the laws of the state of New York and does not have any outstanding securities in the hands of the public.

These representations are made in order that the judges of this court may determine the need for recusal.

Dated: Newark, New Jersey
August 15, 2008

LANDMAN CORST BALLAINE & FORD P.C.

By:



Roxanna S. Campbell
Attorneys for Defendant
Metro-North Commuter Railroad Company
i/p/a Metro-North Commuter Railroad

One Gateway Center, Fourth Floor
Newark, NJ 07102
(973) 623-2700
(973) 623-4496 (Fax)
rcampbell@lcbf.com

TO: Joseph P. Sargent, Esq.
80 Rippowarn Road
Stamford, CT 06902
(203) 325-2323
e-mail: Josephsargent@optonline.com